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RUEHLO/AMEMBASSY LONDON PRIORITY 3739  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 9412  
RHEFDIA/DIA WASHDC PRIORITY  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY  
RUEKJCS/SECDEF WASHDC PRIORITY  
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C O N F I D E N T I A L KATHMANDU 000776

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SUBJECT: HUMAN RIGHTS WATCH URGES MAOISTS AND GOVERNMENT TO  
DO BETTER

REF: KATHMANDU 321

Classified By: Ambassador James F. Moriarty. Reasons 1.4 (b/d).

Summary

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¶1. (C) Saman Zia-Zarif, Deputy Director Asia Division of Human Rights Watch (HRW), met with Emboffs on March 17 to outline the key human rights concerns related to the Maoist insurgency he encountered during his February 24-March 17 visit to Nepal. Major concerns included militarization of civilian areas, use of child soldiers by Maoists, increased vigilantism and impunity of government security services. Explaining that this was his fifth trip to Nepal in the last two years, Zia-Zarif noted that Maoists now were active in all parts of the country, putting rural civilians in danger from the Maoists and the security forces, both of which needed to improve respect for international humanitarian law (IHL). He urged continued international pressure, including the lethal arms embargo, to protect civilians. He acknowledged, however, a significant decrease in government-caused disappearances and extra-judicial killings.  
End Summary.

International Pressure Improves Human Rights

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¶2. (C) On March 17, Saman Zia-Zarif, Deputy Director Asia Division of Human Rights Watch, met with Emboffs to outline key human rights concerns he encountered during his visit to Nepal. Explaining that this three-week long visit was his fifth trip to Nepal in the last two years, he noted that while the total number of casualties was still "low" here compared to other conflicts HRW covered, the Maoists were now active in all parts of the country. He stated that the rural population was trapped between two abusive forces - the Maoists and the government security forces. The "good news" was that both the Maoists and the government security forces appeared to be aware of and responsive to international pressure to minimize civilian casualties. He urged the international community to keep up pressure on both sides to respect human rights.

Keep Up Arms Embargo

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13. (C) Zia-Zarif stated that HRW planned to publicly urge the U.S., U.K., and India to continue their embargo on lethal arms deliveries, arguing that civilian casualties had been kept low because government security forces did not have more dangerous weapons. He gave the example of villagers sheltering in their mud huts surviving a firefight because bullets from .303 rifles did not penetrate the walls. He feared more sophisticated weaponry, such as M-16s and INSAS, would penetrate walls and leave no place for civilians to hide. (Note: Embassy is unsure of different weapon's ability to penetrate mud walls, or whether Zia-Zarif's conclusions are accurate. End note.) Thus he stated it was necessary for the international community to continue the arms embargo to protect civilians in the future. He also argued that government security forces were not professional enough to use weapons in a way that did not harm civilians, especially as civilians in Nepal, unlike those in other war zones, had little experience or understanding of how to take shelter when violence broke out. Zia-Zarif explained that though his job required him to travel around the region and interview many people affected by conflict, he had never had an interviewee "faint from fear" until this current visit to Nepal.

#### Militarization of Civilian Areas

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14. (C) HRW planned to highlight Maoist militarization of civilian areas, and the Royal Nepalese Army (RNA) dropping mortars from helicopters, especially indiscriminately at night, as violations of IHL. Zia-Zarif noted that the Maoists tended to retreat to civilian areas, such as

villagers' houses, after an attack, putting civilians in the line of fire as security forces followed the Maoists. As an aside, he commented that Maoists quartering themselves in villages "broke the villagers back." He cited a village in western Arghakhachi District that quartered 2000 Maoists before the Maoist's January 31 attack on the neighboring Palpa District Headquarters of Tansen (ref A). Also troubling was the fact that the mortars dropped from RNA helicopters caused a disproportionately high number of civilian casualties. He stated mortars often landed on people's houses, or on farmland far from retreating Maoists, and thus had "dubious" military value. Explaining that the type of mortar the RNA dropped from helicopters had a high dud rate, possibly because they landed on soft soil, he lamented that days after they had been dropped, children or villagers working in the field accidentally caused the mortars to explode, resulting in further civilian loss of life and limb. He witnessed RNA soldiers trying to collect mortar shells after an attack, but noted that, as no one kept track of where the mortars landed, the RNA could not ensure collection of all mortars.

#### Maoists Use of Child Soldiers "Very Troubling"

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15. (C) HRW also planned to highlight the Maoists' forceful abduction and recruitment of child soldiers from schools and houses, including the "one child per family" campaign, as another violation of IHL. Zia-Zarif noted that he had interviewed a number of Maoist child soldiers captured by security forces after the January 31 Maoist attack on Tansen (ref A). While HRW had no baseline for comparison to know if the numbers had gone up or down, the Maoists' widespread use of children was "very troubling." The Maoists forced all children, even those in supporting roles such as porters and cooks, to carry socket bombs. Zia-Zarif was concerned that the government did not have adequate provisions in place to deal with former child soldiers. In Tansen, security forces handed over the captured children to the International Committee of the Red Cross, who helped locate local NGOs who could protect the children, as the children risked rerecruitment or reprisals if they returned home. He also worried that the government's anti-terrorism legislation,

Terrorist and Destructive Acts (Control and Punishment) Ordinance (TADO), had no separate provisions for children.

#### Government Support of Vigilantes

¶16. (C) Zia-Zarif stated he had "strong evidence" that the government was actively creating, training and equipping vigilante groups, known as Peace and Development Committees, throughout the terai. He noted that HRW was not against self-defense, such as a deputized village defense force with uniforms and under the supervision of law enforcement. However, the groups in Nepal were acting on their own, "projecting force" in civilian attire, extorting locals to buy bullets for their 12-gauge shotguns, and "taking the fight to the people," rather than acting in self-defense. To raise money, a vigilante group in at least one location was providing security for a government road building project. He said HRW would publicize the fact that vigilantes appeared to be polarizing various ethnic groups, and generally endangering the civilians in the areas they were operating in.

#### Impunity Still A Concern

¶17. (C) Zia-Zarif acknowledged that local human rights groups reported a "significant decrease" in government-caused disappearances and extrajudicial killings, attributed to increased international pressure. He commented, however, that HRW continued to have serious concerns over security forces' accountability for past disappearances, ongoing torture of those in custody, and impunity for human rights violators. He stressed that there continued to be a "huge" backlog of disappearances that the government had yet to

address. RNA detainment in barracks continued, despite official policy to promptly hand over all detainees to the police. He concluded from interviews with Maoists in government detention that while torture was "endemic" and occurred both in RNA and police custody, it was worse in RNA detention. HRW would publicly express hope that the government would advance proposed torture legislation as there was currently "no accountability."

#### HRW Fears Maoist Takeover

¶18. (C) Zia-Zarif opined that although the King was losing support in the districts, the Maoists were not winning. He was struck by the total absence of government presence in rural areas and noted that the villages were empty, with only women and young children left. While he urged a continued arms embargo, he appeared to personally recognize the need for the U.S. to have a contingency policy to assist the RNA to prevent a Maoist takeover, as he acknowledged that civilians under a one-party totalitarian Maoist state would have few human rights.

#### Comment

¶19. (C) HRW made a similar presentation to representatives of the international community here, who concurred with many of HRW's conclusions. The Maoists' forced recruitment of children, and the lack of government provisions for dealing with former child soldiers, appears to be a growing area of concern. (Note: A UN monitoring team on the situation of Children in Armed Conflict, e.g. the implementation of Security Council Resolution 1612, is currently in Nepal and will brief international representatives here of their findings on March 23. End note.)  
MORIARTY